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ABSTRACT

This booklet is for the parents of exceptional children. It explains the process by which an exceptional child is evaluated, identified and assigned to a program and placement. It also offers general guidelines for parent participation with local school districts and other educational agencies in planning the exceptional child's educational program. These guidelines specifically apply to the parents and children in the Montgomery County, Pennsylvania school system and give information regarding Montgomery County community agencies and resources and Pennsylvania state law. However, this booklet can also be used by parents whose children are served by other school systems since it includes information on Individualized Education Programs (IEP's) and on terminology related to Public Law 94-142. This booklet can also serve as a model for other school districts in their efforts to inform parents on the educational programming of their children. (RF)

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CG 012806

Parent Handbook

Montgomery County Intermediate Unit 23 • Blue Bell, Pennsylvania

ACKNOWLEDGEMENTS

This publication was prepared by the Parent Liaison Committee of the Montgomery County Intermediate Unit #23. Their efforts have yielded a valuable resource for the exceptional children of Montgomery County and their parents.

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To parents, the education of their children is of special importance. To those of us who are parents of exceptional children, it is important that we understand the ways we can participate in the planning process that will provide the best educational programs for our children. We have an important responsibility and right to work with our local school district and other educational agencies in planning for our children's education, for we can provide a valuable contribution to the educational process of our children.

This handbook offers some general guidelines that we hope will help you better understand the planning process that will provide an appropriate education and program for your child.

Other references, offering more complete information, are available to you and are listed in the appendix.

If you have questions about the information in this Handbook, or in the listed reference materials, please contact the Montgomery County Intermediate Unit, Special Education Center, Norristown. Telephone: 539-8550

Introduction

By law, every child is guaranteed a free, appropriate public program of education and/or training. Public Law 94-142, a federal law, and in Pennsylvania, the Right to Education Consent Decree, provide for and protect the educational rights of handicapped as well as gifted and talented students.

While your local school district is ultimately responsible for your child's education, other educational agencies, and you the parent, will be actively involved in the planning process.

The Montgomery County Intermediate Unit is one of three parts in the state's system of public education: the local school district, the Intermediate Unit, and the State Department of Education. The Montgomery County Intermediate Unit is a public school agency that provides educational services to the twenty-two school districts in Montgomery County. The Special Education services offered by the Intermediate Unit include consultation to local school districts, evaluation services, and direct services to students.

Both your local school district and the Montgomery County Intermediate Unit are involved in this process. This booklet explains the process by which an exceptional child is evaluated, identified, and assigned to a program and placement.

Where Do You Begin

HOW IS A CHILD REFERRED FOR EVALUATION?

A parent or a school district can initiate a request for an evaluation to determine if the child is exceptional or non-exceptional.

Parent Initiated Evaluations

If you suspect that your child has a growth or learning need, your first step should be to request an evaluation in writing. An evaluation might include medical, neurological, educational and/or psychological examinations to determine *if* a need does exist.

For a Preschool Child

If your child is between the ages of three and five years, you can request an evaluation by contacting the Intermediate Unit Preschool Program.

The Intermediate Unit offers free diagnostic testing and evaluation for all children, ages three to five years, who are thought to be exceptional. Tests for your child might include a vision screening, a hearing evaluation, and a speech and language evaluation. If further information is needed, a pediatric examination, and a psychological evaluation are offered.

For preschool programs and services, parents or legal guardians can contact the Intermediate Unit at 539-8550.

For a School-Age Child

If your child has reached the legal school age, (entry age may differ from school district to school district), you can request an evaluation by contacting the Superintendent's office or the Director of Pupil Personnel of your local school district in writing. (See Appendix for listing)

School-District-Initiated Request for an Evaluation of a School-Age Child

If your local school district suspects that your child is exceptional, it can refer your child for an appropriate evaluation. The district must seek your written permission *by letter*, in order to perform the evaluation.

...*If you approve*, the school district can complete the evaluation as planned.

...*If you disapprove*, the school district may request an immediate conference with you to further clarify its concerns. If you do not agree to the conference, the district may either request a hearing to receive permission to conduct the evaluation, or it may cancel the proposed evaluation.

...*If you do not respond*, the school district may either cancel the evaluation or request a hearing to authorize the evaluation.

When an evaluation is performed, whether initiated by you or the school district, you will be informed of the results, and you have the right to examine any records which are used in the evaluation. All of the information gathered in an evaluation is strictly confidential and can be released to other agencies or persons, *only* with your written consent. However, this information could be released to the Intermediate Unit without your consent because the Intermediate Unit and the local school district work in partnership. It is important to note that if the child's evaluation shows him to be exceptional you can expect to be invited to a meeting to help you plan your child's Individualized Education Program (IEP). This invitation will be part of the "Notice of Exceptionality" that is sent or given to you after the evaluation is completed.

According to State Standards, the local school district must take steps to insure that you, the parents of the student, are present at the IEP planning meeting, or at least, are offered an opportunity to participate. The meeting will be scheduled at a mutually agreed upon time and place.

WHAT IS AN INDIVIDUALIZED EDUCATION PROGRAM?

The Individualized Education Program is a written summary document that describes the modifications of your child's educational program that will meet his/her special needs and/or abilities.

According to State Standards, an IEP is to be developed at an IEP planning meeting, attended by: (1) a representative of the school district or Intermediate Unit who is qualified to provide or supervise the specially designed instructional programs (Local Education Agency Representative, or "LEA Representative"); (2) the student's teacher(s); (3) the student's parent(s); and, (4) the student, where appropriate, and (5) any person(s) the parent or LEA wants to invite. The IEP will indicate your child's placement as described in the State Standards. See Appendix C.

WHAT SHOULD BE INCLUDED IN AN INDIVIDUALIZED EDUCATION PROGRAM?

The IEP is a *summary document* for your child for the coming year. It will never contain every possible objective, or activity for each child. According to the State Standards, an Individualized Education Program for each student assigned to special education programs and/or services shall include:

1. A statement of the child's present levels of educational performance. Present educational levels may include results of standardized formal tests and informal evaluations.

2. A statement of the annual goals which describe the expected behaviors to be achieved through the implementation of the Individualized Education Program. Annual goals will be general in scope, target areas for instruction and will serve as framework for the child's program over the course of a school year.

3. A statement of short-term instructional objectives. These objectives are smaller steps needed to reach the annual goals. They will tell what the child will do, how he will do it, and how well he will do it.

4. A statement of the specific special education program(s) and related services to be provided to the child. On the IEP form, these are listed as Primary Assignment and Services. It must also include any special instructional media and materials to be provided; (such as braille or talking books) and the type of physical education program in which the child will participate. However, the more typical media and materials used with any exceptional child need not be specified.

5. The extent to which the child will be able to participate in regular educational programs.

6. The projected dates for initiation of programs and the anticipated duration of the programs and/or services.

7. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved. This will be listed on the IEP as the Date of Review or Revision.

WHAT HAPPENS NEXT IN THE IEP PROCESS?

After the IEP is completed, it will be mailed to you along with the "Notice of Recommended Assignment" (the due process form). At this time you have several options:

...If you approve the program and placement, you should indicate this by signing and returning the first page of the Notice of Recommended Assignment. You should keep the copy of the IEP and the rest of the notice that was sent to you.

...If you do not approve the program and placement, you can request pre-hearing conference(s) to seek resolution. If you do not reach resolution at a

pre-hearing conference, you can begin procedures for a hearing.

...If you do not respond after 10 days the IEP may be implemented.

WHAT IS DUE PROCESS?

Due process is a series of procedures provided by law to ensure that each exceptional child receives a free, *appropriate* public education and/or training program. As part of these procedures districts and Intermediate Units are required to report to and work with the child's parent(s), guardian(s), or surrogate(s) in planning and carrying out the most appropriate educational program.

Due process is the legal procedure available to citizens before the state and/or local school district can deny them certain important rights. Due process insures that the parents be given written notification that requests written permission to:

...administer individual evaluations which would indicate whether or not the child has special needs and/or abilities.

...identify a child as exceptional or not exceptional

...assign the child to or change the child's special education program and/or placement.

WHAT IS A "NOTICE OF RECOMMENDED ASSIGNMENT?"

The "Notice of Recommended Assignment" is a legal document that will tell you what your child's suggested special education program and placement will be. It will be sent to you the parent(s), or guardian(s)/surrogate(s), accompanied by the IEP. Your child's IEP and special education placement in the least restrictive alternative should be reviewed so you can make a decision. The "Notice of Recommended Assignment" and the IEP will be either mailed or given to you. If the notice is mailed you must respond within 10 (ten) days. If the notice is given to you, you must respond within five (5) days. If you do not respond within the specified time the IEP and placement will be put into effect.

WHAT IS A HEARING?

If you disagree with your child's Individualized Education Program and/or placement, you have the right to request a pre-hearing conference. At this conference every attempt will be made to reach a resolution. Following the pre-hearing conference, the school district will send you a "Pre-Hearing Conference Response Form." At this time you can accept the placement and/or IEP or disapprove it and therefore request a hearing. It is your responsibility as a parent to represent your child.

You should be well prepared for the hearing and bring with you any written documentation and/or expert witness(es) you feel will support your position.

Following the hearing, the hearing officer will render a decision. The officer has the authority to order changes either in the education program and/or placement.

The decision will be made within twenty (20) days of the hearing. It will be in writing and will contain the hearing officer's decision based on findings of fact and conclusions of law. The decision will be sent to you by certified mail.

You have the right to object to the hearing decision by making a written appeal to the Secretary of Education.

IS THE IEP A CONTINUING PROCESS?

According to State Standards, each Individualized Education Program shall be reviewed at least annually and, if appropriate, be revised. You as a parent would be invited to an IEP planning meeting to review and, if necessary, revise your child's IEP. However, a review of the IEP may be requested at any time by the parent, the LEA, or the teacher.

At least every two years the review and/or revision of the Individualized Education Program shall be based on an analysis of the student's docu-

mented cumulative record by a certified school psychologist, the child's present teacher, and an LEA representative.

This procedure does not necessarily require retesting and parent consent is not required.

WHAT IS YOUR ROLE AS PARENT?

As parents, the importance of your participation in the planning of your child's Individualized Education Program cannot be overemphasized. It is your legal right, and in the best interest of both you and your child, to keep informed of his or her progress. By maintaining continuing contact with the professionals who are working with your child, you can learn how to support and enhance your child's school program at home.

For you as a parent there are parent organizations, advocacy groups, agencies, and individuals to answer your questions and to assist you in helping your child. You might also participate in parent groups associated with your child's school and attend parent meetings to learn about new programs and services that can be of benefit to your child.

WHAT SHOULD BE DISCUSSED AT A CONFERENCE?

—Results of tests and other information that will tell what your child is able to do now.

—What it is hoped your child will learn in a year. These are annual goals.

—The small steps that will be taken to help your child reach the annual goals. These are short-term objectives.

—The extent to which the child will be able to participate in regular education.

—Related services that will help your child benefit from his educational placement.

WHAT SHOULD YOU SAY AT A PROGRAM PLANNING CONFERENCE OR ANY OTHER CONFERENCE REGARDING IEP'S?

—Share information about your child's likes and dislikes.

—Share information about things you and your child do at home that are enjoyable to your child.

—Share information about your methods of handling situations that have been working for you.

—Give examples that describe your child's behavior. Say "Johnny holds his breath everytime I ask him to set the table" rather than "Johnny won't set the table".

—Have your ideas thought out ahead of time and write them down if it will help you.

—Ask questions and air your concerns about your child's program.

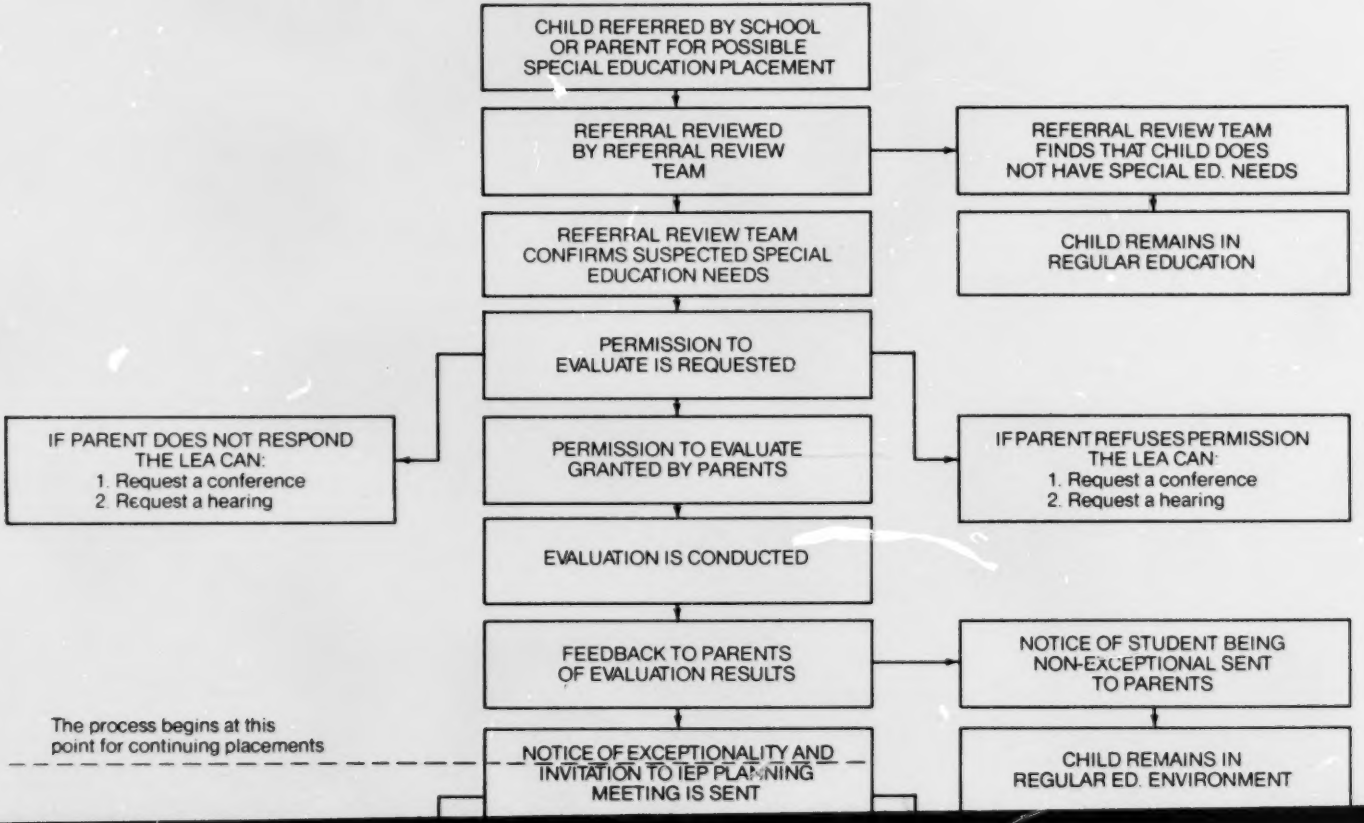
DO YOU GIVE UP YOUR RIGHTS TO HAVE INPUT IN YOUR CHILD'S PROGRAM AFTER YOU SIGN AN IEP?

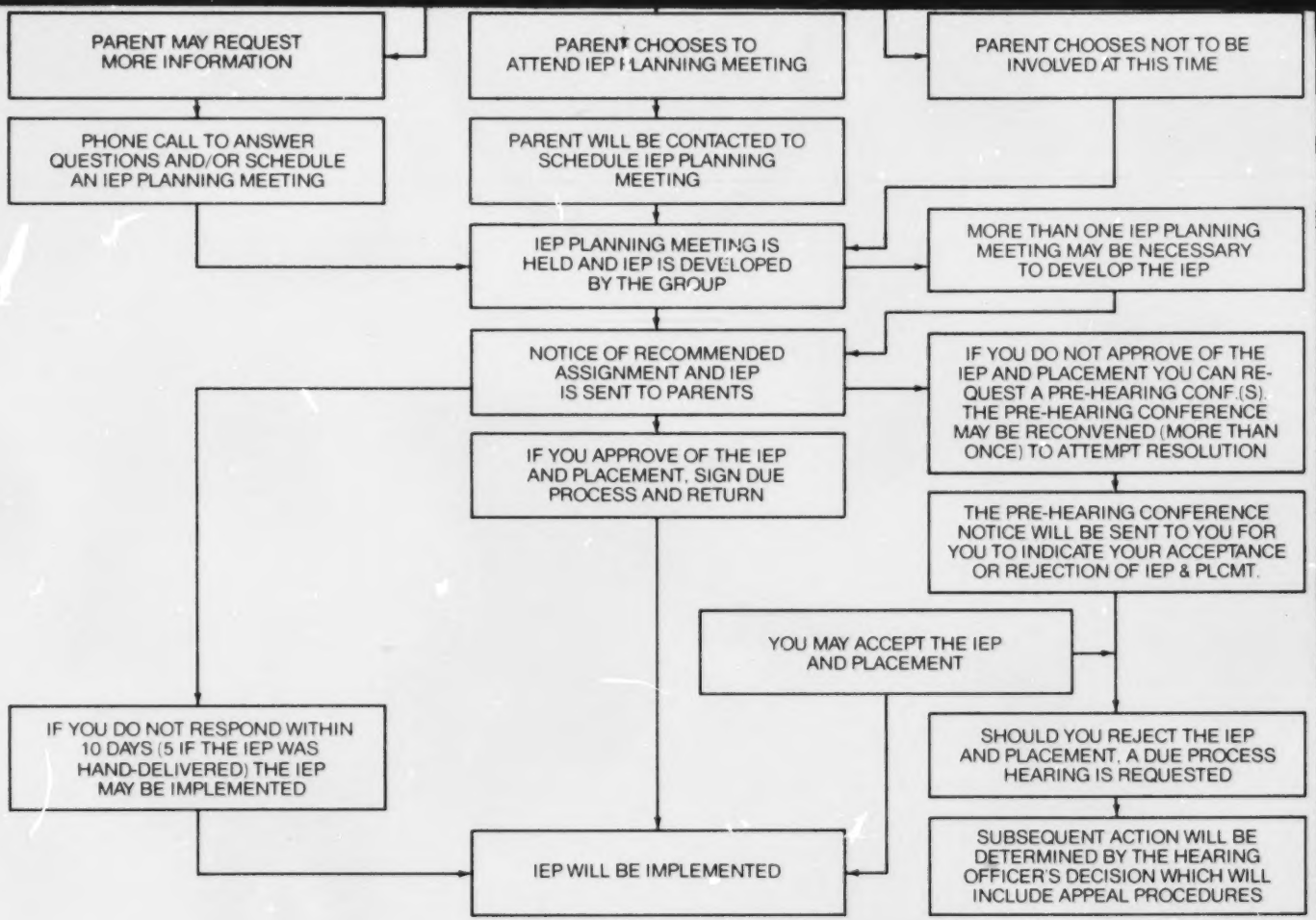
—You do not give up any rights when you sign an IEP.

—You can have input or raise a question at any time. However, please contact your child's teacher to arrange a conference.

—You will have a copy of your child's IEP to keep as a record. Please keep in mind the IEP is a summary document that describes the major part of your child's program. The IEP does not describe every single thing that your child will be taught.

MONTGOMERY COUNTY INTERMEDIATE UNIT
PROJECT AID: ASSISTANCE FOR IEP DEVELOPMENT
PROCEDURES FOR IEP DEVELOPMENT FOR NEWLY ENTERING CHILDREN


CHILD REFERRED BY SCHOOL OR PARENT FOR POSSIBLE SPECIAL EDUCATION PLACEMENT
REFERRAL REVIEWED BY REFERRAL REVIEW TEAM
REFERRAL REVIEW TEAM FINDS THAT CHILD DOES NOT HAVE SPECIAL ED. NEEDS
REFERRAL REVIEW TEAM CONFIRMS SUSPECTED SPECIAL EDUCATION NEEDS
CHILD REMAINS IN REGULAR EDUCATION
PERMISSION TO EVALUATE IS REQUESTED
IF PARENT DOES NOT RESPOND THE LEA CAN:
1. Request a conference
2. Request a hearing
PERMISSION TO EVALUATE GRANTED BY PARENTS
IF PARENT REFUSES PERMISSION THE LEA CAN:
1. Request a conference
2. Request a hearing
EVALUATION IS CONDUCTED
FEEDBACK TO PARENTS OF EVALUATION RESULTS
NOTICE OF STUDENT BEING NON-EXCEPTIONAL SENT TO PARENTS
The process begins at this point for continuing placements
NOTICE OF EXCEPTIONALITY AND INVITATION TO IEP PLANNING MEETING IS SENT
CHILD REMAINS IN REGULAR ED. ENVIRONMENT


PARENT MAY REQUEST MORE INFORMATION
PARENT CHOOSES TO ATTEND IEP PLANNING MEETING
PARENT CHOOSES NOT TO BE INVOLVED AT THIS TIME
PHONE CALL TO ANSWER QUESTIONS AND/OR SCHEDULE AN IEP PLANNING MEETING
PARENT WILL BE CONTACTED TO SCHEDULE IEP PLANNING MEETING
IEP PLANNING MEETING IS HELD AND IEP IS DEVELOPED BY THE GROUP
MORE THAN ONE IEP PLANNING MEETING MAY BE NECESSARY TO DEVELOP THE IEP
NOTICE OF RECOMMENDED ASSIGNMENT AND IEP IS SENT TO PARENTS
IF YOU DO NOT APPROVE OF THE IEP AND PLACEMENT YOU CAN REQUEST A PRE-HEARING CONF.(S). THE PRE-HEARING CONFERENCE MAY BE RECONVENED (MORE THAN ONCE) TO ATTEMPT RESOLUTION
IF YOU APPROVE OF THE IEP AND PLACEMENT, SIGN DUE PROCESS AND RETURN
THE PRE-HEARING CONFERENCE NOTICE WILL BE SENT TO YOU FOR YOU TO INDICATE YOUR ACCEPTANCE OR REJECTION OF IEP & PLCMT.
YOU MAY ACCEPT THE IEP AND PLACEMENT
IF YOU DO NOT RESPOND WITHIN 10 DAYS (5 IF THE IEP WAS HAND-DELIVERED) THE IEP MAY BE IMPLEMENTED
SHOULD YOU REJECT THE IEP AND PLACEMENT, A DUE PROCESS HEARING IS REQUESTED
IEP WILL BE IMPLEMENTED
SUBSEQUENT ACTION WILL BE DETERMINED BY THE HEARING OFFICER'S DECISION WHICH WILL INCLUDE APPEAL PROCEDURES

IEP Development Procedures

Appendix

APPENDIX A

FREQUENTLY ASKED QUESTIONS

QUESTION—Who can request an IEP conference?
ANSWER —The *parent, teacher,* or *LEA* representative can request an IEP conference.

QUESTION—When can a conference(s) be requested?
ANSWER —Anytime there are questions or concerns about your child's IEP.

QUESTION—What if an IEP needs to be revised?
ANSWER —Anytime there is a change in annual goals, a change in primary assignment, or a change in related services an IEP *must* be revised.

QUESTION—Must a parent attend a revision conference of an IEP?
ANSWER —No. If the conference is requested by the teacher or the LEA representative, the parent will receive a request to attend the revision conference. If the parent cannot attend the conference, the conference will still be held. A revised copy of the IEP will be sent to the parent after this conference is held.

QUESTION—When will the IEP be revised?
ANSWER —An IEP can be revised at any time, but an IEP *must* be revised once a year.

QUESTION—Must an IEP be revised every September?
ANSWER —No. It *must* be revised on a yearly basis. We hope to stagger revisions of the IEP throughout the year so that the teachers will not have all the IEP's to revise in September. (It is possible to have an IEP valid from February to February.)

QUESTION—What might be discussed at the annual review of the IEP?
ANSWER —Present educational levels will be updated. Any changes in annual goals, changes in primary assignment, related services and parental concerns will be discussed.

QUESTION—Is it possible to have the same annual goal(s) every year?
ANSWER —Yes. Remember, annual goals are long term goals that may be ongoing. The short term objectives are changed periodically to meet the educational needs of the student.

APPENDIX B

SCHOOL DISTRICT	ADDRESS	
Abington	Adm. Bldg. 1841 Susquehanna St. Abington 19001	884-4700
Bryn Athyn	P.O. Box 205 Bryn Athyn 19009	784-4286
Cheltenham Twp.	Ashbourne Rd. & Washington Lane Elkins Park 19117	886-9500
Colonial	Plymouth-Whitemarsh H.S. Germantown Pike Plymouth Meeting 19462	825-1500
Hatboro-Horsham	229 Meetinghouse Rd. Horsham 19044	672-5660
Jenkintown	317 Highland Ave. Jenkintown 19046	885-3722
Lower Merion	301 Montgomery Avenue Ardmore 19003	649-5600
Lower Moreland Twp.	555 Red Lion Road Huntingdon Valley 19006	947-2200

Methacton	Kriebel Mill Road Fairview Village 19409	489-1900
Norristown	401 N. Whitehall Road Norristown 19401	539-1000
North Penn	400 Penn Street Lansdale 19446	368-0400
Perkiomen Valley	Box 338, Schwenksville 19473	287-7861
Pottsgrove	Kauffman Road Pottstown 19464	327-2277
Pottstown	Beech & Penn Streets Pottstown 19464	323-8200
Souderton Area	139 Harleysville Pike Souderton 18964	723-6061
Spring-Ford Area	Lower Lewis Road Royersford 19468	948-7500
Springfield Township	1901 E. Paper Mill Rd. Oreland 19075	233-2600
Upper Dublin	800 Loch Alsh Ave. Fort Washington 19034	646-5600
Upper Merion Area	Adm. Bldg. King of Prussia 19406	265-1500
Upper Moreland Twp.	Terwood Rd. Willow Grove 19090	659-6800
Upper Perkiomen	201 W. Fifth St. E. Greenville 18041	679-7961
Wissahickon	Spring House Elementary School Norristown Road Spring House 19447	646-9300

APPENDIX C

GLOSSARY

ANNUAL GOALS—A general statement describing the child's progress in one year. Ex.—The student will increase his word recognition skills.
APS—Approved Private School
BI—Brain Injured
CDE—Center for Developmental Education
DATE OF REVIEW OR REVISION—The date when the IEP will be reviewed and updated. This must be done within twelve months.
DUE PROCESS—Legal procedures available to the citizens before the state and/or districts can deny them certain important rights and privileges.
ED—Emotionally Disturbed
EFFECTIVE DATE—The day the parent approves of the IEP
EMR—Educable Mentally Retarded
HI—Hearing Impaired
IEP—Individualized Education Program
IEP COORDINATOR—A person selected in a building program, or district, who oversees the writing of an IEP.
IMT or MIT—Itinerant Master Teacher
INTEGRATION—An educational technique used to return a child from special education to regular education in appropriate successive steps.
IU—Intermediate Unit
L & A—Learning and Adjustment
LD—Learning Disabilities
LEAST RESTRICTIVE ENVIRONMENT—The most appropriate educational placement.
LEA—Local Education Agency (the school district or Intermediate Unit)
LEA REP—The Local Educational Agency Representative—a person selected in a building program, or district who will participate in all conferences discussing the IEP.
MAINSTREAMING—Educating handicapped children as closely as possible with their normal peers.
MCIU—Montgomery County Intermediate Unit
OPERATING AGENCY—The agency which operates the class.

OT—Occupational Therapy
PDE—Pennsylvania Department of Education
PH—Physically Handicapped
PL94-142—PL = Public Law 94 = the 94th Congress 142 = the 142nd Act of the 94th Congress
PRELIMINARY PROGRAM PLANNING CONFERENCE—The meeting with parents, teacher or teachers, and LEA Representative to discuss concerns and begin developing an IEP.
PRESENT EDUCATIONAL LEVELS—A statement describing where the student's instruction should begin.
PRIMARY ASSIGNMENT—The class or classes to which your child is assigned. Ex.—Self-contained, resource room, regular class, language, speech, hearing and/or vision.
PROJECT AID—A federal project designed to give Assistance in IEP Development.
PROJECT PIE—A federal project "Partners in Education" designed to train representational parents and leaders to act as resources in the IEP process and to study cost effectiveness implications of the IEP process.
PT—Physical Therapy
SED—Socially and Emotionally Disturbed
SERVICES—Transportation and other available programs that help the child benefit from special education.
SHORT-TERM OBJECTIVES—Steps used to achieve annual goals. Ex.—Given 20 words, the student will identify the initial consonant blend with 80% accuracy.
SPI—Severely and Profoundly Impaired
S/PMR—Severely and Profoundly Mentally Retarded
TMR—Trainable Mentally Retarded
UG—Ungraded
VHMH—Visually Handicapped Multiple Handicapped
VHRR—Visually Handicapped Resource Room

APPENDIX D

COMMUNITY RESOURCES/SERVICES

Parent Organizations/ Advocacy Groups

Montgomery County Intermediate Unit Special Education
Parent Liaison Committee
Executive Director's Office
6198 Butler Pike
Blue Bell, PA 19422

Parents of the Hearing Impaired League (PHIL)
Supervisor of Hearing
Special Education Center
1605-B West Main Street
Norristown, PA 19401

Montgomery County Intermediate Unit
Right to Education Task Force
Chairperson
Special Education Center
1605-B West Main Street
Norristown, PA 19401

TMR Consortium Advisory Committee
Chairperson
Special Education Center
1605-B West Main Street
Norristown, PA 19401

Parent Group of Montgomery County School for Physically Handicapped and Center for Developmental Education
Montgomery County School for Physically Handicapped
1630 West Marshall Street
Norristown, PA 19401

Association for Children with Learning Disabilities (ACLD)
P.O. Box 394
Glenside, Pa 19038

Montgomery County Association for Retarded Citizens (MARC)
801 West Main Street
Norristown, PA 19401

Council for the Exceptional Child
250 Tanglewood Road
King of Prussia, PA 19401

Parent Network
2425 North 59th Street
Philadelphia, PA 19131

HEALTH/GENERAL REFERRAL INFORMATION SERVICES

Health and Welfare Council
319 DeKalb Street
Norristown, PA 19401

Project CONNECT
1-A North Progress Avenue
Harrisburg, PA 17109
(717) 657-0000 (Call COLLECT)

Mental Health Association of
Southeastern Pennsylvania
1207 Chestnut Street
Philadelphia, PA 19107

Office of Mental Health and Mental
Retardation
One Montgomery Plaza
Norristown, PA 19401

BASE SERVICE UNITS
(Branches of MH/MR)

Abington MH/MR Center
Montgomery County Case
Management Office
1150 Old York Road
Abington, PA 19001

Central Montgomery MH/MR Center
1100 Powell Street
Norristown, PA 19404

Community Counseling Services
1314 High Street
Pottstown, PA 19464

Community Organization for
Personal Enrichment
48 E. Butler Avenue
Ambler, PA 19002

Human Services Council
837 E. Germantown Pike
Norristown, PA 19401

Penn Foundation for MH
Lawn Avenue
Sellersville, PA 18960

Pennsylvania State Health Centers
750 E. Johnson Highway
Norristown, PA 19401

Resources for Human Development
Wynnewood House, Suite 111
300 E. Lancaster Avenue
Wynnewood, PA 19096

FINANCIAL ASSISTANCE

Montgomery County Board
of Assistance
506 W. Marshall Street
Norristown, PA 19401

VISUAL/PHYSICAL HANDICAPS

Bureau of Visually Handicapped
Regional Office
1400 Spring Garden Street
Philadelphia, PA 19130

Montgomery County Association
for the Blind
704 W. Marshall Street
Norristown, PA 19401

Montgomery County Treatment Center
(Easter Seal Society)
837 Sumneytown Pike
Lansdale, PA 19446

Nevil Interagency Referral Service
919 Walnut Street, Room #400
Philadelphia, PA 19107
(Blind and Visually Handicapped)

Spina Bifida Association of
Delaware Valley
P.O. Box 116
Lenni, PA 19052

United Cerebral Palsy of Philadelphia
and Vicinity
4700 Wissahickon Avenue
Philadelphia, PA 19007

LEGAL AID

Montgomery Bar Association
506 W. Marshall Street
Norristown, PA 19401

Educational Law Center
225 South 15th Street
Philadelphia, PA 19102

Community Legal Services
Juniper and Locust Streets
Philadelphia, PA 19107

Juvenile Law Center of Philadelphia
1422 Chestnut Street
Philadelphia, PA 19102

REFERENCES

BI, SED

Gardner, R.A. *MBD: The Family Book About Minimal Brain Dysfunction. Part One: For Parents. Part Two: For Boys and Girls.* New York: Jason Aronson, 1973.

Reistroffer, M. and H.Z. McVey. *Parental Survival and the Hyperactive Child.* Madison: University of Wisconsin, Extension Publications, 1972.

Reports From Closer Look. National Information Center for the Handicapped, Box 1492. Washington, D.C. 20013.

EMR

Fruser, L.W. *A Cup of Kindness, a Book for Parents of Retarded Children.* Seattle: Special Child Publications, 1973.

Love, H.D. *The Mentally Retarded Child and His Family.* Springfield, Ill.: Charles C. Thomas, 1973.

LD

Ellingson, C. *The Shadow Children.* Chicago: Topaz Books, 1967.

Golick, M. *A Parent's Guide to Learning Problems.* Montreal: Association for Children with Learning Disabilities, 1970.

Seigel, Ernest. *Helping the Brain Injured Child.* New York: Association for Brain Injured Children, 1967.

Williams, B.S. *Your Child has a Learning Disability...What is it?* National Easter Seal Society for Crippled Children and Adults, Chicago: 1971.

PH

Finnie, Nancie, R. *Handling The Young Cerebral Palsied Child At Home.* New York: E.P. Dutton and Co., 1975.

TMR/SMR

Bender, Michael, Peter Valletutti, and Rosemary Bender. *Teaching the Moderately and Severely Handicapped.* Baltimore: University Park Press, 1976.

Gearhart, Bill R. and Freddie W. Litton. *The Trainable Retarded.* St. Louis: C.V. Mosby Company, 1975.

S&L, HI

Hatten, John and Pequetti W. Hatten. *Natural Language : A Clinician-Guided Program for Parents of Language Delayed Children.* West Lake Village, New York: Learning Business.

Mavilya, Marya P. and Bernadette Mignon. *Educational Strategies for the Youngest Hearing Impaired Children.* Washington, D.C. 20007: Alexander Graham Bell Association for the Deaf.

Northcott, Winifred ed. *The Hearing Impaired Child in a Regular Classroom.* Washington, D.C. 20007: Alexander Graham Bell Association.

Robin, Martha. *Our Noisy World.* Can be ordered from Alexander Graham Bell Association for the Deaf, Washington, D.C. 20007.

Signed English Dictionary. Washington, D.C.: Gallaudet College Press.

Van Ruper, Charles. *Your Child's Speech Problems.* New York: Harper and Row, 1961.

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Lowenfeld, B. *Our Blind Children: Growing and Learning with Them,* Springfield, Illinois: Charles C. Thomas, 1971.

Lowenfeld, B. *The Visually Handicapped Child in School.* New York: John Day Co., 1973.

Taylor, B.M. *Blind Pre-School: A Manual For Parents and Educators.* Colorado Springs, Colorado: Industrial Printers of Colorado, Inc., 1974.

State Standards

341.1 Definitions

The following words and phrases, used in this chapter, shall have, unless the context clearly indicates otherwise, the following meanings:

(a) Change in Educational Status—Any assignment or reassignment based on evidence that the person is exceptional, or thought to be exceptional. The following educational assignments are included: regular education, special education, no assignment or a change from one type of special education to another. Any change shall be in accordance with an Individualized Education Program.

(b) Exceptional Persons—Those persons evaluated in accordance with this chapter as being hearing impaired, mentally gifted and talented, mentally retarded, physically handicapped, learning disabled, brain damaged, speech and language impaired, socially and emotionally disturbed, visually impaired, or severely multihandicapped. These terms are further defined as follows:

(1) **Brain Damage**—A moderate to severe injury to the brain, as identified by a neurological examination, resulting in severe behavior and learning disorders. Persons whose behavior and learning disorders are primarily the result of visual, hearing or motor handicaps or mental retardation, emotional factors or of environmental disadvantage are not brain injured. The term brain damage does not include the condition known as minimal brain disfunction.

(2) **Hearing Impaired**—A hearing loss ranging from mild (hard of hearing) to profound (deaf), which interferes with the development of the communication process and results in failure to achieve full educational potential. A person shall be assigned to a program for the hearing impaired when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation includes a report by an audiologist and otologist.

(3) **Learning Disability**—A deficiency in the acquisition of basic learning skills, including but not limited to, the ability to reason, think, read, write, spell or to do mathematical calculations, as identified by an educational and psychological evaluation. Persons who have learning disorders which are primarily the result of visual, hearing or other handicaps or mental retardation or emotional factors or of environmental disadvantage are not learning disabled. The term learning disability does not exclude the possibility that a learning disabled person may also exhibit such conditions as brain damage or minimal brain disfunction. A person shall be assigned to a program for the learning disabled when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation clearly indicates that the person can demonstrate average or above average intellectual functioning on an appropriate intelligence measure. The evaluation shall include an assessment of specific academic strengths and weaknesses.

(4) **Mentally Gifted**—Outstanding intellectual and creative ability, the development of which requires special activities or services not ordinarily provided in the regular program. Persons shall be assigned to a program for the gifted when they have an IQ score of 130 or higher. A limited number of persons with IQ scores lower than 130 may be admitted to gifted programs when other educational criteria in the person's profile strongly indicated gifted ability.

(5) **Mentally Retarded**—Impaired mental development which adversely affects a person's educational performance. A mentally retarded person exhibits significantly impaired adaptive behavior

in learning, maturation and/or social adjustment as a result of subaverage intellectual functioning. The degree of retardation and the level of social and academic functioning, not deviant behavior patterns, shall be the factors in determining the individualized program. A person shall be assigned to a program for the mentally retarded when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that no person shall be assigned to a program for the:

(i) educable mentally retarded unless his or her IQ score is lower than 80.

(ii) trainable mentally retarded unless his or her IQ score is lower than 55.

(iii) severely and profoundly mentally retarded unless his or her adaptive behavior is so severely impaired that education programming is oriented to behaviors which may be considered absolutely basic to higher levels of skilled performance. Individuals with an IQ score lower than 30 may be considered for these programs and shall be evaluated by a physician prior to assignment.

(6) **Physically Handicapped**—Orthopedic and/or other health impairments of sufficient magnitude to limit a person's classroom accommodation and educational performance. A person shall be assigned to a program for the physically handicapped when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation includes reports from a physician and a certified public school psychologist.

(7) **Severely Multihandicapped**—Persons who are diagnosed as having two or more of the following severe handicapping conditions required for assignment to approved private schools (22 Pa. Code ‡171.23(F).)

(i) Blind—A visual handicap of a severe degree. Those persons in whom there is visual acuity of 20/200 or less in the better eye with correcting glasses or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees.

(ii) Brain Damage—Those persons who manifest severe behavior and learning disorders resulting from a severe insult to the brain as identified by a neurological examination.

(iii) Cerebral Palsy—Those persons with severe bilateral, symmetrical, nonprogressive paralysis resulting from developmental defects in the brain, or trauma at birth who cannot carry on independently, the normal activities of daily living.

(iv) Deaf—A hearing handicap of a severe degree. Those persons in whom the sense of hearing is nonfunctional for the ordinary purposes of life. This includes the congenitally and adventitiously deaf. The following represents hearing loss as defined by audiometer measurements: (a) Severe hearing loss—60 db to 90 db; and (b) Deaf—90 db or more in both ears.

(v) Emotional Disturbance—Those persons who manifest a severe major affective psychosis which is characterized by a single disorder of mood, either extreme elation or depression that dominates the mental life of the person and is responsible for whatever loss of contact they may have with their environment.

(vi) Muscular Dystrophy—Those persons who manifest a severe wasting away and atrophy of the muscles whereby they become nonambulatory, lose muscle power and are unable to participate in normal activities of daily living.

(vii) Severely Mentally Retarded—Those persons whose adaptive behavior is so severely impaired that educational programming is directed to behaviors that require closely supervised simple self-help and very simple work skills requiring full dependence upon others. This term is used to describe the degree of mental retardation present when intelligence testing is lower than an IQ of 25 as measured on individual psychological tests with no consideration

of the standard error of measurement permitted. Those with such adaptive behavior and measured mental ability will be considered for these programs and shall be evaluated by a physician prior to assignment.

(8) **Socially and Emotionally Disturbed**—A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree: an inability to learn which cannot be explained by intellectual, sensory or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, pains or fears associated with personal or school problems. A person shall be assigned to a program for the socially and emotionally disturbed when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation includes reports from a board-certified or approved psychiatrist. No person shall be assigned to a program for the socially and emotionally disturbed for disciplinary reasons alone. Socially and emotionally disturbed children shall be psychiatrically reevaluated every two years.

(9) **Speech and Language Impaired**—Communication disorders of impaired language, voice, fluency or articulation to such a degree that academic achievement is invariably affected and the condition is significantly handicapping to the affected person. A person shall be assigned to a program for the speech and language impaired when the screening by a speech clinician and the Individualized Education Program indicate that such a program is appropriate. Where appropriate, an evaluation by a certified public school psychologist or physician shall be performed.

(10) **Talented**—Outstanding talent as identified by a team of educators and professionals competent in the areas of art, music, dance, photographic arts or theater, the development of which requires special activities or services not ordinarily provided in the regular program. A person identified as talented shall be eligible to attend the Governor's School for the Arts.

(11) **Visually Impaired**—A visual impairment, which adversely affects a person's educational performance. A person shall be assigned to a program for the visually impaired when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation includes an examination by an eye specialist and a written report of the nature and degree of the visual impairment.

(c) **I.Q. Score**—An I.Q. score with consideration for a plus or minus five (5) standard error of measurement as measured by an individual psychological test.

(d) **Notice**—Written notice in the language or mode of communication normally used by the person to whom the notice is being given.

(e) **Parent**—A parent or guardian (or individual acting as a surrogate parent in the absence of a parent or guardian) of any school-aged person.

(f) **Persons of School Age**—Persons aged six to twenty-one and persons younger than six who are of the age at which regular education programs are provided in their school district of residence.

(g) **Special Education**—A basic education program planned to meet the educational needs of exceptional persons.

(h) **Surrogate Parents**—A person appointed by the intermediate unit to act as the parent of a school-aged person when the parents are not known, unavailable, or when the school-aged person is a ward of the state. The person appointed shall not be an employee of the state or local education agency involved in the education or care of the school-aged person.

341.11. Parent Initiated Identification

(a) General Rule—Any parent who believes that his or her child is exceptional and is not receiving appropriate special education programming may request, in writing, an evaluation of the child.

(b) Conference—A conference shall be scheduled within 10 days of receipt of the written request. The conference shall include, but shall not be limited to, the parent, the teacher of the person, and a supervisor of special education, or principal. Any person the parent wishes to invite may attend. Prior to the conference, the school district shall prepare written evidence supporting the appropriateness of the person's present program or a recommendation for a change in assignment provided that no such recommendation is made until after an evaluation of the person has been performed in accordance with this chapter. At the conference, every effort shall be made to reach an amicable agreement, keeping in mind the best interest of the individual. If a change in assignment is recommended an Individualized Education Program shall be developed at the conference.

(c) Hearing—Upon conclusion of the conference(s), the parent, if dissatisfied with the results of the conference, may request a hearing. The hearing procedures shall be in accordance with 22 Pa. Code ‡13.32(8) through (23) (relating to school district initiated due process procedures).

341.12. School District Identification

(a) Policy—Each school district shall adopt a policy for the identification of school-aged persons who may be in need of special education programs or services.

(b) Coordination—The policy shall be coordinated with the intermediate unit.

(c) Group Screening—The policy shall refer to those group screening instruments which may be used as the basis for referral for evaluation. A group screening instrument is a basic test administered to, or a procedure used with, all children in a school (for example, achievement tests administered to all students in a school, or to all students of a certain grade level; speech and language screening instruments; and visual and hearing tests administered in accordance with Article 14 of the Public School Code of 1949 (24 P.S. ‡‡14-1401-14-1422).

(d) Referrals—The policy shall include a system by which persons who may be in need of special education are referred by parents, teachers, school nurses and other professional employees for evaluation. At the same time the parent shall be informed in accordance with subsection (e) of this section that the person has been referred for evaluation.

(e) Notice to Parents—The parent of any person referred for evaluation shall be informed in writing:

(1) that the person has been referred for evaluation;

(2) of the basis upon which the referral was made;

(3) that the parent has the right to inspect and review all relevant school records;

(4) of the procedures and specific types of tests which will be used in the evaluation and the approximate dates of such procedures;

(5) of the parents' right to meet with a public school psychologist to discuss the referral and proposed evaluation procedures;

(6) of the right of the parent to object to the evaluation and request a hearing in accordance with 22 Pa. Code ‡13.32 (relating to school district due process procedure).

(7) of the right of the parent to give or withhold his or her consent to the evaluation.

(f) Conference—The notice required by subsection (e) of this section may be given to the parent at a conference.

341.13. Evaluation

(a) General Rule—An evaluation must be conducted in accordance with this section prior to the assignment of any person to a special education program of service, or prior to the denial of assignment if the parent requests assignment. A person may, however, be assigned to itinerant speech and language

service in accordance with paragraph (g) (2) of the section after identification in accordance with ‡341.12(c) (relating to group screening). In each instance, except for speech and language impaired, an individual psychological examination shall be administered by a certified public school psychologist prior to assignment to a special education program. For speech and language impaired, a psychological evaluation may be administered by a certified public school psychologist.

(b) Individualized Education Program—An evaluation requires the analysis and investigation necessary to develop an Individualized Education Program appropriate for the person as required by ‡341.15 (relating to Individualized Education Program). There shall be no change in educational status until the Individualized Education Program has been developed.

(c) Scope—The nature of the individual behavioral and learning characteristics of the person thought to be exceptional shall determine the psychological, educational and other assessment services to be used in the evaluation and the uniqueness in procedures or protocols which may be used. Provided that persons thought to have a specific exceptionality shall be evaluated in accordance with the minimum requirements for that exceptionality as provided in ‡341.1(b) (relating to definitions).

(d) Tests—Tests and similar evaluation materials shall be:

(1) administered in the child's native language or mode of communication, unless it is clearly not feasible to do so;

(2) selected and administered so that the test results accurately reflect the person's aptitude, achievement level or whatever other factor the test purports to measure, rather than the person's impaired sensory, manual or speaking skills (except where such skills are the factors which the test purports to measure);

(3) professionally validated for the specific purpose for which they are to be used;

(4) administered by certified professional employees in accordance with the instructions provided by the test's producer and sound professional practice;

(5) selected and administered to assess specific areas of educational need and not merely a single general intelligence quotient.

(e) Other Information—Information from sources other than ability or achievement tests, including information from the parents concerning the person's physical condition, sociocultural background and adaptive behavior in home and school, shall be considered in recommending assignments. No one test or type of test shall be used as the sole criterion for development of the Individualized Education Program.

(f) Outside Evaluation—Reports and evaluations submitted by the person or parent shall be given full consideration by the school district in recommending assignments. No one test or type of test shall be used as the sole criterion for development of the Individualized Education Program.

(g) Team—All data collected under this section and the person's relevant school record shall be reviewed and interpreted by a public school psychologist, the person's present teacher and a supervisor of special education or a school administrator or another person knowledgeable about the program and service options which may be appropriate for the person.

(1) If the review and interpretation results in a conclusion that the person is not exceptional the parent shall be so notified in writing. The notice shall inform the parent of his or her right to:

(i) review all data collected on the child;

(ii) request a program placement conference in accordance with 22 Pa. Code ‡13.32 (relating to due process);

(iii) request a hearing on the recommendation in accordance with 22 Pa. Code ‡13.32 (relating to due process).

(2) If the review and interpretation result in a recommendation to develop an Individualized Education Program, the parent shall be notified by letter that the school district:

(i) has identified the person as exceptional;

(ii) is recommending special education placement;

(iii) will arrange conference for parent(s) to participate in the development of the Individualized Education Program.

341.15. Individualized Education Program

The Individualized Education Program for each person assigned to special education programs or services shall include:

(1) a statement of the person's present level of educational performance;

(2) a statement of annual goals which describes the expected behaviors to be achieved through the implementation of the person's Individualized Education Program;

(3) a statement of short-term instructional objectives;

(4) a statement of specific educational services to be provided to the child, including a description of (1) all special education and related services required to meet the unique needs of the child, (2) any special instructional media and materials to be provided and (3) the type of physical education program in which the child will participate;

(5) a description of the extent to which the child will be able to participate in regular education programs;

(6) the projected date for initiation and the anticipated duration of services; and

(7) appropriate objective criteria, evaluation procedures and schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved.

341.16. Individualized Education Program Conference

(a) **Conference**—The Individualized Education Program shall be developed in a conference by:

(1) a representative of the school district or intermediate unit who is qualified to provide or supervise the provision of specially designed instruction to meet the person's unique needs;

(2) the person's teacher(s); (If the person is assigned to or is to be assigned to an approved private school the private school teacher(s) and any other representative of the private school)

(3) the person's parent(s); and

(4) where appropriate, the person;

(5) any person the parent(s) wants to attend may attend; and

(6) upon completion of the Individualized Education Program conference the due process notice may be given or mailed to the parent in accordance with 22 Pa. Code ‡13.32 (relating to due process).

(b) **Parent Participation**—Each school district shall take steps to ensure that the parents of the person are present at the conference or are afforded the opportunity to participate. The conference shall be scheduled at a mutually agreed upon time and place unless it is clearly not possible or practical.

(1) In cases where it is not possible or not practical for all participants to attend, other alternatives to ensure full participation must be attempted, including individual or conference telephone calls.

(2) The Individualized Education Program conference may be conducted without the parent in attendance only if there is sufficient documentation of attempts to arrange a mutually agreed upon time and place, such as detailed records of telephone calls made or attempted and the results of such calls, copies of correspondence sent to the parents and any responses received and detailed records of visits made to the parent's home or place of employment and the results of such visits.

(3) If a parent has a communication barrier, such as deafness or a primary language other than English, the local educational agency shall provide an interpreter or take whatever action is necessary to ensure that the parent understands the proceedings.

(c) **Time**

(1) There shall be no change in educational status until the Individualized Education Program has been developed in accordance with this section.

(2) For exceptional children currently receiving special education programs or services, the Individualized Education Program Conference shall be conducted prior to the 1977-78 school year.

341.17. Minimum Annual Review

(a) **Review and/or Revision**—Each Individualized Educational Program shall be reviewed at least annually and, if appropriate, revised, in accordance with ‡341.16 (relating to conference).

(b) **Re-evaluation**—At least once every two years the review and/or revision of the Individualized Education Program shall be based on an analysis of the student's documented cumulative record by a team in accordance with ‡341.13(g) (relating to evaluation). The re-evaluation may include administration of individual psychological tests administered by a certified public school psychologist and other clinical examinations if needed. Parental consent is not required for a re-evaluation. A re-evaluation may be conducted more frequently than once every two years, if such is deemed appropriate by the local educational agency.

341.18. Relation to Hearing

The Individualized Education Program is an education program developed jointly by the parents and school personnel. The Individualized Education Program may be revised periodically in accordance with ‡341.17(a) (relating to review and revision). If a change in educational status, special education program and/or related services provided the student is to be recommended by the local educational agency, as a revision of the Individualized Education Program, the provisions of ‡341.16 are to be followed and subsequent notice and right to a hearing shall be provided in accordance with 22 Pa. Code ‡13.32 (relating to due process). A parent may request a re-evaluation of the student's identification and assignment annually in accordance with 22 Pa. Code ‡13.33 (relating to parent initiated due process procedures).

If a hearing is requested, the hearing shall be held to determine the specific kinds of programs and services appropriate for the person, based on the evaluation conducted in accordance with ‡341.13 (relating to evaluation) and any subsequent re-evaluation that may have been conducted. The hearing officer shall, after the hearing, issue an opinion and order defining the assignment, program and services in such specificity as he or she deems necessary. An Individualized Education Program document shall then be developed jointly, in conformity with the hearing officer's decision, by the parents, school personnel and, where appropriate, the person in accordance with ‡341.16 (relating to conference) in order to supply any component of the Individualized Educational Program not noted, ruled upon or recommended by the hearing officer in her or his decision. The conference shall be scheduled within 10 days after the decision has been rendered.

Operations of Programs

341.21. General Rule

Special education programs and services shall be organized to effectively and efficiently implement the Individualized Education Program. Regardless of the choice of administrative arrangement, provision shall be made for the maximum amount of appropriate integration and contact with regular education students.

341.22. Operating Agent

(a) **Designation**—The operating agent for special education programs and services shall be designated in the provisions of ‡341.31 (relating to plans).

(1) **District Operation**—Special education programs and services shall be developed and operated by a school district when the school district is able to provide effective and efficient programs, including adequate housing and supervision.

(2) **Intermediate Unit Operation**—Special education programs and services shall be developed and operated by the intermediate unit

when the school district cannot effectively and efficiently support such programs and services.

(3) **Cooperative Agreement**—To meet the needs of individual school-aged exceptional persons, a cooperative agreement may be developed among districts and intermediate units.

(4) **Approved Private School**—To meet the needs of certain individual school-aged exceptional persons, an approved private school assignment shall be recommended and approved by district and intermediate unit professional staff whenever an appropriate placement cannot be provided within the local public schools solely because of the nature and incidence of the student's handicapping condition. Whenever a school district and intermediate unit agree that the only source of an appropriate program of education for a school-aged person is in an approved private school, in accordance with the stated admission policy of the particular school, the recommendation and supporting evidence shall be forwarded to the Department of Education for final approval in accordance with 22 Pa. Code ‡‡171.13 and 171.16 (relating to assignment).

(b) **Powers and Duties**—The operating agent shall determine the operational, organizational and administrative procedures of the special education programs and services it operates subject to the provisions of the school laws, State Board regulations and these standards.

341.31. Plans

Special education programs and services shall be administered in accordance with the Intermediate Unit Plan for Special Education as set forth in the Public School Code of 1949 (24 P.S. 13-1372(2)).

341.32. Development of Plans

Each intermediate unit shall annually revise its plan in cooperation with its constituent school districts and, where appropriate, with approved private schools and other intermediate units.

(1) **School District Plans**—Each school district shall develop and maintain a plan which specifies all special education programs and services to be district-operated and designates those programs and services required from the intermediate unit. The plan shall also identify those regular education programs which may be used to implement Individualized Education Programs.

(2) **Intermediate Unit Plans**—School District Plans shall be incorporated in the Intermediate Unit Plan. Intermediate Unit Plans shall specify the programs and services to be operated by the intermediate unit and shall incorporate those programs and services operated by individual school districts including regular education programs which may be used to implement Individualized Education Programs. The plan shall specify those programs and services required from approved private schools.

341.33. Content of Plans

In addition to the description of programs and services and needs required in ‡341.32 (relating to Development of Plans), each Intermediate Unit Plan shall include:

(1) A policy for the identification of all school-aged persons in need of special education programs and services in accordance with ‡341.12 of this chapter (relating to parent initiated identification).

(2) A strategy to provide immediately an appropriate education to any person identified under subsection (1) above who is receiving no education.

(3) A strategy and timetable to develop special education programs and services for those identified under subsection (1) of this section above who are not receiving appropriate special education pro-

grams and services. Such strategy shall reflect the following priorities in accordance with the specific needs determined by the school district and the intermediate unit:

(i) Programs and services shall be provided for the more severely handicapped before programs are provided for the less severely handicapped, and for the more gifted before the less gifted.

(ii) Programs and services shall be developed in accordance with a planned curriculum to provide a continuum of programs and services appropriate for the student's age and development.

(iii) Programs and services shall be developed to provide a continuum of programs and services for appropriate student assignments in accordance with the priority order as provided in ‡13.11(d) of this Title (relating to program responsibilities).

341.35. Approval of Plans

(a) General Rule—Intermediate Unit Plans for the operation of special education programs and services shall be submitted to the Department of Education, Division of Special Education, for approval. Plans shall be approved when the requirements of ‡‡341.31 and 341.32 of these standards are met.

(b) Criteria—To determine compliance with ‡‡341.32 and 341.33, the department shall apply the following criteria:

(1) Based on expected incidence rates, the programs are adequate in quantity to meet the needs of all severely handicapped persons within the intermediate unit.

(2) Based on expected incidence rates, the programs are adequate in quantity and variety to meet the needs of persons of every exceptionality as defined in ‡341.1(b) (relating to definitions).

(3) Based on expected incidence rates, there is a full continuum of programs and services to permit the least restrictive assignment and the appropriate services in accordance with 22 Pa. Code ‡13.11(d) (relating to priority order of placement) and ‡341.51 of this chapter (relating to organization).

(4) Based on the following table programs are adequate to deliver quality special education services. The plan may justify deviation from the table by describing why deviation will not affect or will enhance the quality of the programs.

Constant Enrollment by Organizational Patterns*

Program Category and/or Level	Itinerant	Resource Rooms	Part-Time	Full-Time
EMR Elementary	15-50	15-20	10-15	10-15
EMR Secondary	15-50	15-20	15-18	10-15
TMR Elementary	None	None	10-15	8-12
TMR Secondary	None	None	15-18	8-15
S & P Retarded	None	None	None	4-8
SED Elementary	15-50	15-20	10-15	6-12
SED Secondary	15-50	15-20	10-15	8-12
BI/LD Elementary	15-50	15-20	10-15	6-12
BI/LD Secondary	15-50	15-20	10-15	8-12
HI El./Sec.	15-50	5-15	6-10	5-8
SP&L El./Sec.	20-90**	None	None	5-8
PH El./Sec.	15-50	5-15	6-12	6-12
Detention El./Sec.	None	None	None	1-15
VH El./Sec.	15-50	5-15	8-15	5-12
Gifted Elementary	15-75	10-20	10-18	10-18
Gifted Secondary	15-75	10-20	10-18	10-18

*The teacher's register is to carry no less than the minimum CE of any pattern in the chart.

**Sessions with the child for Speech and Language:
20 students (5 sessions/student/week)
25 students (4 sessions/student/week)

45 students (2 sessions/student/week)
90 students (1 session/student/week)

(5) Based on a review of the curriculum in accordance with ‡341.55 of this chapter (relating to curriculum) the programs and services are educationally sound. The Department shall develop and publish guidelines which describe appropriate kinds of curricula and types of services.

(c) **Disapproval**—Plans which do not meet the requirements of ‡‡341.31 and 341.32 (relating to development and contents of plans) shall be disapproved. Prior to disapproval, appropriate division personnel shall discuss the plan and suggest modifications with appropriate intermediate unit and/or school district personnel.

(d) **Hearing**—If a plan is disapproved, the intermediate unit shall be entitled to a notice and a hearing in accordance with the Administrative Agency Law (71 P.S. ‡‡1710.1-1710.51) and the General Rules of Administrative Practice and Procedures 1 Pa. Code, Part II.

341.51. Organization

The following organizational patterns will be approved by the Department of Education:

(a) **Regular Programs**—Regular programs do not qualify for special education funding but may meet the needs of certain exceptional persons. Instruction shall emphasize both subject content and development of special skills in accordance with the student's Individualized Education Program.

(b) **Itinerant Programs**—Itinerant programs shall be designed:

(1) for students enrolled in regular classes who are generally expected to spend 25 per cent or less of their time with an itinerant special education teacher. The itinerant teacher travels from school to school and instructs students in the development of special skills in accordance with the student's Individualized Education Program.

(2) for students who have multihandicapping conditions enrolled in a special education class and who are required to spend up to 25 per cent of their time in supportive instruction in skill development in accordance with the student's Individualized Education Program. Instruction is provided on an individual or small-group basis by an itinerant special education teacher who travels from school to school.

(c) **Resource Room**—Resource rooms shall be designed for students who are generally expected to spend 50 per cent or less of their time with the special education teacher, whether in individual or in small-group instruction Instruction shall emphasize development of special skills in accordance with the student's Individualized Education Program rather than subject content. For the remainder of their time, students are assigned to regular education programs or to other types of special education programs.

(d) **Part-time Special Class**—Part-time special classes shall be designed for students who are generally expected to spend 50 to 85 per cent of their time with the special education teacher. Instruction shall emphasize both subject content and development of special skills in accordance with the student's Individualized Education Program. Up to 10 per cent of the student time shall be spent in related activities as described under subsection (a) of this section. For the remaining time, students are released to participate in individual work experience, work training or vocational education programs, while their special education teacher is assigned to instruct a second group of students or to perform other responsibilities.

(e) **Full-Time Special Class**—Full-time special classes shall be designed for students who are generally expected to spend 85 per cent or more of their time with the special education teacher. Instruction shall emphasize both subject content and development of special skills in accordance with the student's Individualized Education Program. The remaining student time shall be spent in related activities, such as art, music, physical education, industrial arts and home

economics, with emphasis on the concept of mainstreaming on an individual or group assignment basis.

341.53. Grouping

(a) Students shall be grouped according to their needs and chronological age in accordance with the following, provided that individual students shall be assigned in accordance with their Individualized Education Program:

(b) Elementary—Elementary programs shall include exceptional school-aged persons up to approximately 12 years and six months of age.

(1) Primary programs, when established, shall include school-aged exceptional persons up to approximately nine years and six months of age.

(2) Intermediate programs, when established, shall include school-aged exceptional persons from approximately nine years and six months to approximately 12 years and six months of age.

(c) Secondary—Secondary school programs shall include exceptional school-aged persons from approximately 12 years and six months to 21 years of age. If the exceptional school-aged person reaches the age of 21 any time after the school year begins, he or she shall be allowed to continue in the program for that entire school year.

(1) Junior high school programs, when established, shall include school-aged exceptional persons from approximately 12 years and six months to approximately 15 years and six months of age.

(2) Senior high school programs, when established shall include school-aged exceptional persons from approximately 15 years and six months to 21 years, or to the end of the school year if the exceptional school-aged person reaches the age of 21 after the school year has begun.

(d) Middle Schools—Middle school programs shall be established by prior approval from the Department of Education in order to meet particular grouping arrangements within these schools.

341.55. Curricula

(a) General Rule—Special education curricula shall be designed to meet the needs of special persons and shall be adapted, wherever possible, from regular curricula.

(b) Integration—Special education curricula shall be designed to coincide with regular education curricula and shall allow for and lead to the integration of school-aged exceptional persons in regular education programs when their needs dictate that regular education curricula is more appropriate.

(c) Life Skills—Special education curricula shall be designed to stress general life skills and to maximize independence for those school-aged exceptional persons who differ to such an extent that their needs dictate curricular offerings different from those in regular education.

(d) Competencies—The curricula shall call for the acquisition of specific competencies in all areas of development, that is, cognitive, language, social, motor, self-help, vocational, and the like, in accordance with the student's Individualized Education Program

(e) Review—Special education curricula shall be subject to a review at least every two years and to revision as required.

341.57. Personnel

(a) Certification—Professional personnel shall meet the standards as defined in the Department of Education Professional and Staffing Policies and Guidelines for Certification of Professional School Personnel. Teachers shall hold the proper certification for special education assignment.

(b) Paraprofessionals—Paraprofessional and supportive personnel shall be employed in accordance with specific program needs.

(c) Supervision—Supervisory personnel shall be certificated and assigned in accordance with Professional Personnel and Staff Policies and Guidelines for Certification of Professional School Personnel.

(d) In-Service Training—School districts and/or intermediate units shall provide in-service training for teachers (special and regular), principals, administrators and supporting staff responsible for programs for school-aged exceptional persons.

341.58. Instructional Materials, Equipment and Supplies

(a) General Rule—Instructional materials, equipment and supplies provided for exceptional school-aged persons shall be equivalent to those provided for school-aged persons in regular education and of comparable age, grade and interest levels, with such modifications as may be necessary to meet the individual needs of the exceptional school-aged person, and shall be subject to a review and approval by the Department of Education.

(b) Furniture—Furniture shall be suited to the age, size, physical status and individual needs of exceptional school-aged persons and shall be subject to review and approval by the Department of Education.

(c) Special Equipment—Exceptional school-aged persons who require special instructional materials, supplies and equipment shall be provided with these items in accordance with the Individualized Education Program.

341.59. Facilities

(a) General Rule—Special education schools and classrooms shall be comparable to regular schools and classrooms and shall conform to the requirements of school building regulations prescribed by the Department of Labor and Industry.

(b) Conditions—Facilities for special education programs and services shall include proper conditions for lighting (natural and artificial), ventilation, acoustical treatment, heating, storage of materials and adequate supplies to insure a barrier-free learning environment.

(c) Itinerant Staff—Itinerant teachers and specialists shall be provided with suitable and appropriate space for working with exceptional school-aged persons individually or in small groups within a school building.

341.71. Special Education Budgets

(a) Preparation—Each intermediate unit shall prepare annually, in conjunction with its component school districts, a budget for the operation of special education programs and services.

(b) Forms—The budgets shall be prepared on budget forms which identify the costs of intermediate unit special education programs and the excess costs of school district special education programs. For this purpose average daily membership shall be calculated and reported as follows:

(1) Equivalent full-time Average Daily Membership (EFT/ADM) in speech and language itinerant service shall be calculated and reported in accordance with ‡2509 of the Public School Code (24 P.S. ‡25-2509).

(2) Equivalent full-time Average Daily Membership (EFT/ADM) for all other "itinerant service" shall be four.

(3) Equivalent full-time Average Daily Membership (EFT/ADM) for all resource rooms shall be six.

(4) Equivalent full-time Average Daily Membership (EFT/ADM) for part-time and full-time special education classes shall be the number of persons assigned multiplied by the percentage of time in special education.

(c) Submission—Prior to funding, each intermediate unit budget shall be submitted to the Department of Education, Division of Special Education. The division shall review budget submissions to insure that requested program funding is reasonable and consistent with the Intermediate Unit Plan for the operation of special education programs and services.

(d) Approval—A budget shall be approved when the fund request is reasonable and conforms to the Intermediate Unit Plan for the operation of special education programs.

(e) Disapproval—The Secretary of Education may disapprove a budget

or a line item in a budget if, after consultation with the Division of Special Education, he or she determines that the request for funding is not reasonable or not consistent with the Intermediate Unit Plan for the operation of special education programs and services.

(1) Prior to disapproval, appropriate department personnel shall discuss the budget and the plan with the appropriate school district and intermediate unit personnel.

(2) If a budget or a line item in a budget is disapproved, the intermediate unit shall be entitled to a notice and a hearing in accordance with the Administrative Agency Law (71 P.S. ‡‡1710.1-1710.51) and the General Rules of Administrative Practice and Procedure, 1 Pa. Code, Part II.